

**CRIMINAL NO. 3:01CR90**

## ORDER

This is Defendant's third attack on the restitution order included in the Judgment of Conviction. **See Motion to Amend Judgment Order of Payment of Restitution, filed March 8, 2004; *Powell v. United States*, Civil No. 3:07CV210, filed May 21, 2007 (action pursuant to 28 U.S.C. § 2241).** The instant motion represents the Court's Judgment of August 18, 2003, as stating that Defendant "shall pay the assessment fee of \$100.00 immediately and the restitution would commence sixty (60) days after her release date." **Defendant's Motion to Correct Order of Judgment, filed**

**January 22, 2008, at 1.** Defendant also alleges that “Alderson Federal Prison Camp has misinterpreted [the Judgment] to read ‘all monies should be paid immediately or sixty (60) days after the petitioner’s release.’” *Id.*

The Judgment, however, unequivocally states that “payment of the *total criminal monetary penalties* shall be due as follows: . . . payable immediately; or . . . in monthly installments of not less than \$50.00 to commence 60 days after the release from imprisonment until paid in full . . . [P]ayment of criminal monetary penalties shall be due during the period of imprisonment.” **Judgment in a Criminal Case, filed August 18, 2003, at 5 (first emphasis added).**

As these instructions are perfectly clear, the Court finds no error in the Judgment that needs to be corrected under Rule 36.

**IT IS, THEREFORE, ORDERED** that the Defendant’s motion to correct Judgment is hereby **DENIED**.

Signed: January 29, 2008



Lacy H. Thornburg  
United States District Judge

